IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

WRIT PETITION NO.17696 of 2003

Between:

T.P.Ch.Rao, E-55310., S/o Musalayya, 56 years,
Vijayawada Depot, R/o.Vijayawada, Krishna District.

**...PETITIONER**

AND

1. The APSRTC rep.by its Managing Director, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC Krishna Region, Vijayawada, Krishna District.
3. The Depot Manager, APSRTC, Vijayawada Depot, Krishna District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in imposing the harsh punishment of removal from service vide proceedings No.Steno/95 (20)/2002-Vijayawada dated 04.07.2002 which was confirmed by the appellate authority and as well as the review authority vide proceedings no.PA/19(69)/2002-DVM (R) dated 25.11.2002 and Proc.No.PA/19(81)/2002-RM (k), dated 29.04.2003 respectively as illegal, arbitrary, harsh punishment, contrary to the circulars and as such liable to be set aside in the interest of justice.

**Counsel for the Petitioner: MR.S.M.SUBHAN**

**Counsel for the Respondents: MR.R.MANMADHA REDDY, Standing Counsel**

**for APSRTC**

The Court made the following:

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

WRIT PETITION NO.17696 of 2003

**ORDER:**

Heard Sri S.M.Subhan, the learned counsel for the petitioner and Sri R.Manmadha Reddy, the learned Standing Counsel for the respondent-Corporation. At the request on both sides, the main Writ Petition itself is taken up for disposal.

The petitioner herein, who has been working as a conductor, filed this Writ Petition, *inter alia*, seeking a writ of mandamus to assail the impugned order dated 04.07.2002, removing him from the service and the review proceedings dated 25.11.2002, on an appeal preferred by him, as illegal and arbitrary.

The learned counsel for the petitioner submitted that having regard to the fact that the petitioner is going to retire by the end of this month and as the main proceedings on the face of it are wholly unsustainable and cannot be interfered with, appropriate relief may be given.

The case in fact arises out of a check made by the authorities on 15.03.2002 while the petitioner was conducting the bus on the route from Vijayawada to Kakinada, wherein certain ticket irregularities were found. Thereupon, a domestic enquiry was

conducted and ultimately he was removed from the service, *inter alia*, on the twin charges to the effect that for having collected an amount of Rs.22/- from a passenger who boarded at Mandapet and bound for Kakinada and issued an unconcerned ticket of Rs.20/- denomination which was already sold on 07.03.2002 and also for having re-issued Rs.2/- denomination ticket to the same passenger who boarded the bus at Mandapet and bound for Kakinada, which was already accounted in the S.R. Admittedly, on the basis of the enquiry report, he was removed from the service. Hence, the Writ Petition.

The learned standing counsel appearing on behalf of the respondents-Corporation sought to revoke all the contentions raised by the learned counsel for the petitioner, especially on the ground that there is necessity to go into the merits of the case.

Considering the submissions made and on perusal of the material available on record, there is no dispute to the fact that the petitioner exercised his remedies as per the Regulations. But instead of raising a dispute under Section 2 (a) (2) of the Industrial Disputes Act, 1947, he has directly approached this Court revoking the jurisdiction of Article 226 of the Constitution of India. Having regard to the fact that sufficient remedy is available to the petitioner, wherein, the Labour Court can also go into the aspects rather than the interference of this Court, which is a futile exercise to show any indulgence in exercise of the powers of this Court under Section 226 of the Constitution of India, I do not find any merits to entertain this Writ Petition.

The Writ Petition is accordingly dismissed. However, the petitioner is at liberty to take such steps to avail the remedy as available under the law.

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**(B.PRAKASH RAO, J)**

21st February 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC Krishna Region, Vijayawada, Krishna District.

3. The Depot Manager, APSRTC, Vijayawada Depot, Krishna District.

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